

STATE OF VERMONT  
HUMAN SERVICES BOARD

In re	)	Fair Hearing No. 11,504
	)	
Appeal of	)	

INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare terminating his Medicaid. The issue is whether the petitioner continues to meet any of the criteria for categorical eligibility for Medicaid.

FINDINGS OF FACT

The facts are not in dispute. The petitioner and his wife emigrated to this country from the former Soviet Union. For several months after their arrival they received Medicaid as part of the "refugee assistance benefits" for which they were then eligible. When their refugee assistance benefits expired (that program is time-limited) the Department mistakenly continued their Medicaid benefits.

When the Department discovered its error it notified the petitioner and his wife that they could reapply for Medicaid on the basis of disability. The petitioner's wife did so and her Medicaid is continuing pending the Department's decision regarding her disability. The petitioner admits that he is not disabled, but is primarily concerned that his wife's benefits continue.

ORDER

The Department's decision terminating the petitioner's Medicaid is affirmed.

REASONS

The petitioner admits he is not disabled, and there does not appear to be any other basis for his eligibility for Medicaid. See Medicaid Manual § M200. However, his wife's application for Medicaid based on disability is still pending. At the hearing (held on December 23, 1992) the petitioner was given the following directions and advice:

1. If his wife's application for Medicaid is denied, the petitioner should file an appeal on her behalf.

2. The petitioner should apply to the Department of Social Welfare for "essential person" benefits on his wife's behalf.

3. The petitioner should apply to the Department of Social and Rehabilitation Services (SRS) for home maintenance benefits for his wife.

4. If the petitioner or his wife are denied any of these benefits, they should file an appeal with the Human Services Board.

5. The petitioner should contact Vermont Legal Aid for help in appealing any adverse decision he or his wife receive regarding any program or benefits for which they apply.

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